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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,101	05/03/2001	Harry E. Gruber	0006.US00	7084
7590	10/16/2003		EXAMINER	
Michael A. Rahman, Esq. Kintera, Inc. 9605 Scranton Road, suite 240 San Diego,, CA 92121			NGUYEN, TAN D	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/848,101

Applicant(s)

GRUBER ET AL

Examiner

Tan Dean Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The prior art statement filed 5/3/2001 has been received and recorded.

Claim Rejections - 35 USC § 112

1. Claims 1-18, 19-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) In claims 1 and 19, the preamble calls for "efficient communication and relationship management" but fails to further disclose how to carry out the steps or means for "efficient communication and relationship management".

2) The preamble calls for "establishing relationship between a patient, friends or family and one or more organizations" but fails to describe the steps to show how to establish the relationship between these 3 elements.

3) The claim also fails to connect the "computer system linked to a network" to the body of the claim. What step or where the computer system and the network is applied.

4) In claims 1 and 19, it's not clear the relationship between the 1st step of "providing a web-based, online healthcare communication system" to the rest of the steps.

5) Claim 1 also calls for a "healthcare communication system" but fails to explain what is it about or how is it related to the "patient" above. It appears that this invention deals with "fundraising" or "solicitation of donation", therefore insertion of this concept

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into the preamble of the claim appear to improve the clarity of the claims and overcome the rejections.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 17-18, 19-22, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over RUSSELL et al alone or in view of Article "Cause Célèbre".

As for claims 1, 19, RUSSELL et al disclose a fundraising method and a system which includes efficient communication and relationship management comprising the steps of: a) providing a web-based, online healthcare (patient care) communication system, b) determining one or more options regarding participants preferences and dislikes, and c) identify organizations based on step b above, and d) soliciting a charitable donation for the organization (see Fig. 1A, 4, paragraphs 0110, 0155, 0161, 0168, 0169, 0171, 0175). Note that Anna's death is due to a battle with Hodgkins' disease and one of the family desired tribute to her death from friends and relatives are donation to the Hodgkin's Research Center or the American Cancer Society which inherently indicates preference of the participant to donate fund for curing Hodgkin's disease or fighting the cause of her death. RUSSELL et al teaches the claimed invention except for showing the step of asking one or more questions regarding preferences and dislikes. However, in paragraph [0211], RUSSELL et al discloses the

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step of asking the family for the destination of a donation and in [0171] with respect to frequently asked questions (FAQ) list for desired donations and other gifts, in this case, to the Hodgkin's Research Center for discovering a cure to her death, therefore, it would have been obvious to include the inherent step of asking one or more questions to the family regarding preferences and dislikes of participants.

Article "Cause Celibre" is cited to teach the general concept for asking a serious ill patient a wish and granting the ill patient his or her wish (see page 2). Article "Cause Celibre" also teaches the general concept of supporting a patient who contracted cancer by raising funds or donation of money to a cancer research organization to find the cure for cancer (page 1, under "Lily Tartikoff"). It would have been obvious to modify the method for raising funds of RUSSELL et al by asking one or more questions regarding preferences of the participants (patient) and granting the preference by answering the personal need or help raising fund for an organization to find cure for the sickness of the participants as taught by Article "Cause Celibre".

As for dependent claims 2-4, 20-22, which deals with non-critical and conventional organization parameter/characteristic, i.e., the type of the organization, these are mentioned in RUSSELL et al and Article "Cause Celibre" by the disclosure of charitable/nonprofit organization type such as Hodgkin's research center or American Cancer Society or would have been obvious to select any equivalent organization. As for the limitation of being a hospital, this is well known or would have been obvious since the research center can be in any form such as John Hopkins University and Hospital which also carry out research and treating the patient at the same time. As for

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dependent claims 17-18, 35-36, the limitation of making a payment or a pledge for making a payment in the future is inherently included in the donation step where donor normally make one lump sum donation or periodic payment as mentioned on [0169 or 0175].

4. Claims 5-16 and 23-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over RUSSELL et al alone or in view of Article "Cause Cellaire" as applied to claims 1-4, 17-18, 19-22, 35-36 above, and further in view of SANDGREN et al.

As for claims 5, 7, 23, 25, the teaching of RUSSELL et al alone or in view of Article "Cause Cellaire" are cited above. On page 13, RUSSELL et al discloses a former patient attribute page with a link to guest book to provide outpouring of sentiments from classmates, family and friends, etc., a sense of community support about the patient. SANDGREN et al is cited to teach a method and system for providing a secure online communications between registered participants such as a private website accessible to members only or interactive family communication comprising one or more message boards having information about a particular subject (a particular person) and messages from friends, family and the desired person (see col. 1, lines 5-10, col. 2, lines 47-57, col. 4, lines 15-25, col. 5, lines 12-20, Fig. 3). It would have been obvious to modify the method and system of RUSSELL et al alone or in view of Article "Cause Cellaire" by including a message board as taught by SANDGREN et al to provide private and more interactive communications between family or group members which improves the sense of community support for the patient. Note also in Article

"Cause Cella", it discloses the involvement of the whole community, Lisa Paulsen and the Entertainment Industry Foundation (EIF) and the involvement of the greater Los Angeles Community (page 1, 2nd paragraph).

As for claims 6, 16, 24, 34, SANDGREN et al discloses the use of calendar, chat room, instant messages and other to improve interactive communications (see Fig. 3). It would have been obvious to apply the above concept to RUSSELL et al alone or in view of Article "Cause Cella" for showing on line visitation calendars illustrating scheduled visits to the patient to improve interactive communication in supporting the patient wherein visitation is critical to show care and concern. As for claims 8, 26, these are taught on col. 5, lines 15-20. As for claims 9-15, 27-33, the selections of various members for access to the message board are fairly taught by col. 4, lines 30-37, col. 5, lines 1-5, lines 12-23, and would have been obvious based on each specific groups and issues.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 2002/0007284 A1 discloses a method and system for implementing a global master patient index whereby normal relevant information with respect to the patient information in the hospital such as routine visitors/visitations, flowers, donations, and mails are kept for effective communications to support/encourage the patient.

2) US 2002/0021910 discloses a method and system for providing pre and post operative support and care.

3) DE 3346275 is cited to teach the general concept of giving flower as gifts during hospital visit.

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6. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiner. As the official records and applications are located in the clerical section of the examining Tech Center, the clerical personnel can readily provide status information without contacting the examiner. See MPEP 203.08. The Tech Center clerical receptionist number is (703) 308-1113.

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (703) 306-5771, or e-mail CustomerService3600@uspto.gov .


Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (703) 308-2053. My work schedule is normally Monday through Friday from 7:00 am through 4:30 pm.

Should I be unavailable during my normal working hours, my supervisor John Weiss may be reached at (703) 308-2702. The FAX phone numbers for formal communications concerning this application are (703) 305-7687. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

Other possibly helpful telephone numbers are:

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/ 8335
Fee Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Information Help Line	1-800-786-9199

dtn



DEAN T. NGUYEN
PRIMARY EXAMINER